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January 8, 2021

VIA ECF

The Honorable Ona T. Wang  
United States Magistrate Judge  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *In re Application of Vale S.A., Vale Holdings B.V., and Vale International S.A. for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in Foreign Proceedings*, No. 20-mc-199-JGK-OTW

Dear Judge Wang:

We write on behalf of Vale S.A., Vale Holdings B.V., and Vale International S.A. (collectively, "Vale") to further update the Court with respect to Vale's urgent need for adjudication of the pending motions to quash.

As the Court is aware, Vale's April 24, 2020 application to conduct discovery pursuant to 28 U.S.C. § 1782 (the "Application") was granted on July 20, 2020. ECF No. 45. Certain respondents filed motions to quash the resultant Subpoenas, which have been *sub judice* since September 17, 2020. ECF No. 66. Respondents – including those that never filed a motion to quash – have collectively produced few documents, and 32 of the 35 respondents have produced none at all in the nearly six months since they were served.

As explained in Vale's submissions to this Court, one of Vale's express uses of the documents sought in the Subpoenas is in connection with the worldwide freezing order ("WFO") entered against all Defendants in the underlying English proceedings. In that regard, the examination of Mr. Beny Steinmetz with respect to his obligation under the WFO to disclose his assets has been scheduled by the English Court for February 8, 2021, just one month from

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today. The documents concerning Mr. Steinmetz that Vale seeks through its Subpoenas are highly likely to be material to this cross-examination because, *inter alia*, they are directed to the discovery of assets in which Vale considers Mr. Steinmetz may have an interest and which may be subject to the WFO.

Given this rapidly approaching examination and the respondents' refusal to produce documents until ordered to do so by this Court, we urge Your Honor to rule on the pending motions to quash and set an immediate deadline sufficiently in advance of February 8, 2021 for the complete production of all documents not subject to a protective order by the Court. Absent a prompt ruling and immediate production, we fear that one of Vale's goals underlying its Application nearly nine months ago will be thwarted.

Thank you for Your Honor's consideration.

Respectfully submitted,

/s/ Jeffrey A. Rosenthal

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